

**CITY OF MILWAUKIE
CITY COUNCIL MEETING
DECEMBER 17, 1996**

The one thousand seven hundred and fifty-seventh meeting of the Milwaukie City Council was called to order by Mayor Lomnicki at 7:00 p.m. in the Council Chambers at Milwaukie City Hall. The following Councilors were present:

Craig Lomnicki,
Mayor
Rick Farley

Jean Schreiber
Rob Kappa
Don Trotter

Also present:

Dan Bartlett,
City Manager
Charlene Richards,
Assistant to the
City Manager

Paul Elsner,
City Attorney
Angus Anderson,
Finance Director

PROCLAMATIONS, COMMENDATIONS, SPECIAL REPORTS, AND AWARDS

Recognize Carolyn Tomei and Calvin Walter for Service to the Community on the Planning Commission

Mayor Lomnicki recognized **Calvin Walter** for his service to the community on the Planning Commission for two years. The City Council appreciates all of the hard work and time that goes into meeting preparation. **Walter** commended the City Council, staff, and Planning Commissioners for their commitment and urged others to get involved with the community.

Mayor Lomnicki recognized **Carolyn Tomei** for her involvement on the Planning Commission for seven years.

Recognize Rick Farley for Service to the Community on the City Council

Mayor Lomnicki reflected on the progress made in the community during Rick Farley's four-year term on the Milwaukie City Council. He also noted Farley's involvement in other activities such as the Clackamas County Community Action Board and League of Oregon Cities General Government Standing Committee.

Mayor Lomnicki recessed the meeting at 7:15 p.m. until 7:40 p.m. for a reception honoring Councilmember Farley.

CONSENT AGENDA

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to approve the Consent Agenda which consisted of the following: City Council minutes of December 3, 1996, and liquor license application for Wong's Garden Restaurant. Motion passed unanimously.

AUDIENCE PARTICIPATION -- None.

PUBLIC HEARING -- None scheduled.

OTHER BUSINESS

Oregon Budget Law Revisions

Anderson presented the staff report in which the City Council was requested to consider a resolution supporting revisions to the Oregon Local Budget Law. These laws govern how cities budget their funds and how City Councils direct appropriations of those funds. The proposed revisions reflect a year-long review of the laws which were drafted in 1963. The proposed changes include: accounting terminology, bonds and other financial obligations, response to natural disasters, budget committee process, notice and publication requirements; inadvertent publication errors, and reserve funds.

Councilmember Farley asked if the City carried a certain amount in reserve funds and if the City would be required to do so if the legislature adopted these proposed revisions. **Anderson** said the City does not carry a certain amount in reserve funds at this time, and the revisions, if adopted, would not make it mandatory.

Councilmember Kappa asked if the section on response to natural disasters referred to events such as the 1996 flood. **Anderson** said that was correct. City Councils would be able to go into session and act quickly to expend funds during a disaster event.

It was moved by Councilmember Kappa and seconded by Councilmember Schreiber to adopt the resolution supporting proposed changes to the Oregon Local Budget Law. Motion passed unanimously.

RESOLUTION 42-1996:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MILWAUKIE, OREGON, SUPPORTING PROPOSED CHANGES
TO THE OREGON BUDGET LAW.**

Purchase Order Amendment for Building Official and Inspection Services

Bartlett presented the staff report in which the City Council was requested to authorize the City Manager to increase purchase order 970125B by \$60,000 and extend the personal services contract with LP2A. The total amount of the contract would be \$75,000. The City is contracting with LP2A for building official services and Happy Valley staff is backup. The City is committed to providing seamless building official services. The projected costs were based on previous figures and necessary certification level needed to appropriately serve the Providence Milwaukie construction project through June 1997.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the City Manager to increase purchase order 970125B by \$60,000 and extend the existing personal services contract with LP2A for a total of \$75,000.

Councilmember Farley asked how much it would actually cost the City to hire a building official. **Bartlett** responded the Building Division budget is \$468,785. He added the permit activity in the City of Milwaukie has been dropping while that of Happy Valley is rising.

Councilmember Schreiber asked, contractually, what takes place if the Providence project stops. **Bartlett** said services are on an as-needed basis. He added the ratio of fees to expenses has improved from a budgeted 52% to 74% of the cost.

Motion passed 4 - 1 with the following vote: Mayor Lomnicki, Councilmember Schreiber, Councilmember Kappa, and Councilmember Trotter aye; Councilmember Farley nay; no abstentions.

Consider Joint Development Review Program with the City of Happy Valley

Bartlett presented the staff report in which the City Council was requested to adopt a resolution authorizing the Mayor to sign an intergovernmental agreement with the City of Happy Valley for a joint Development Review Program including engineering, building official, building inspection, plumbing inspection, and electrical inspection services.

He discussed SB 35 and the requirement that each entity wishing to enforce the state building code be required to prepare a four-year building plan. If approved by the City Council, the cities of Milwaukie and Happy Valley would enter into an agreement allowing joint preparation of the building plan and using joint staff in addition to an industry representative.

Bartlett said the Happy Valley City Council suggested a few minor changes to the agreement. Exhibit A of the agreement regarding rates was not prepared at this point, but the charges would not be greater than 6% above the 1995 agreement.

Bartlett explained Happy Valley's permit activity is growing, while Milwaukie's is decreasing. The electrical and plumbing program with Clackamas County will mainly

stay intact. Plans will be submitted at each City Hall, and staff would move to the applicants as needed. Inspection requests will be done by either phone or fax.

Councilmember Schreiber asked about Happy Valley's agreement with Clackamas County for inspections. **Bartlett** responded Milwaukie would provide engineering services to areas just outside Happy Valley. He felt this responded to the Measure 47 message that service provision needed to be efficient. Both Milwaukie and Happy Valley would have a more fee-supported program.

Councilmember Kappa referred to the reference to joint development review and asked if this took into account activity around the Town Center. Bartlett said the goal is to develop an integrated permit process that would allow each entity to expand to its urban growth boundary.

Councilmember Kappa asked for clarification of the fee schedule. **Bartlett** said this will be Exhibit A to the agreement and will, when complete, indicate the actual billing rates for both cities.

Councilmember Kappa asked if this agreement was a result of the joint work sessions between Milwaukie and Happy Valley. Bartlett said the agreement was actually a result of discussions about SB 35 at the November 1996 League of Oregon Cities Conference. If both City Councils approve the agreement, the process to develop a joint four-year building program plan can begin.

Councilmember Farley said the building permit statistics indicated a large number of multi-family residences in the unincorporated area. He asked which City would get the funds from the development. **Bartlett** discussed Measure 47 impacts on annexation and the need for the legislature to interpret the language.

It was moved by Councilmember Schreiber and seconded by Councilmember Farley to adopt the resolution approving an intergovernmental agreement for engineering, building official, and inspection services between the City of Milwaukie and the City of Happy Valley with the changes suggested by the Happy Valley City Council. These included: page 1 -- #5: change "develop" to "development"; page 2 -- 2.1.e: delete "to and including" and add "for"; and page 3 -- #3 *Joint Development Review*: delete "in such a way that develops more of a team" and add the word "that" and delete "and involves the staff using the process so that customer expectations are achieved and the needs of our partners are met." Motion passed unanimously.

RESOLUTION 43-1996:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILWAUKIE, OREGON, APPROVING AN INTERGOVERNMENTAL AGREEMENT FOR ENGINEERING, BUILDING OFFICIAL, AND INSPECTION SERVICES BETWEEN THE CITY OF MILWAUKIE AND THE CITY OF HAPPY VALLEY.

Councilmember Schreiber asked if either Milwaukie or Happy Valley had engineering obligations for the Town Center Plan. **Bartlett** said neither have the engineering responsibility.

Fire Administrative Services and Battalion Chief Services

Bartlett presented the staff report in which the City Council was requested to authorize the Mayor and City Manager to sign agreements for Fire Administrative Services and Battalion Chief services. He summarized the previous discussions with the neighboring fire districts.

Clackamas Fire District #1 proposed providing Fire Chief and administrative services for 22% of their Chief's cost plus overhead. The quotation totals \$52,237 which included medical oversight and administrative support. He added the District indicated it would waive \$18,500 if a long-term commitment toward consolidation were accomplished. The agreement provides for a 30-day termination notice and for an oversight committee.

Councilmember Kappa asked for clarification if the Milwaukie personnel would continue to follow the City's current personnel policies and bargaining agreements. **Bartlett** said that was correct. This agreement in no way supersedes the bargaining agreement or the personnel rules.

Councilmember Kappa referred to section 5.0 -- Integrated Chain of Command -- and asked if everyone would report to the Clackamas #1 Chief. **Bartlett** said, if this agreement was signed independent of the following proposed IGA, the captains would report to the Clackamas Chief.

Councilmember Kappa discussed the oversight committee and urged if the battalion chief agreement was signed that Milwaukie's representative should be a member of the committee.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to authorize the Mayor and City Manager to sign agreements for Fire Administrative Services with an amendment to section 13.0 that states the Milwaukie battalion chief should be a member of the oversight committee.

Councilmember Trotter asked if the City Council would adopt this agreement with the amendment as if the battalion chief agreement would also be approved. He felt the oversight committee should meet monthly. He recommended amending the second sentence to read “the committee should meet monthly to review the progress, operation...” and strike the word “three.”

Councilmember Schreiber accepted this as a friendly amendment.

Councilmember Kappa expressed concern that there be language regarding Milwaukie employees operating under existing City policies and bargaining agreements. **Bartlett** suggested adding “under Milwaukie personnel policies and labor agreements” to section 2.0.2. The City of Milwaukie now has a five-year bargaining agreement with IAFF.

Councilmember Schreiber said in several years the City of Milwaukie could change its working relationship with its staff.

Bruegman said that was an excellent point, and there needs to be an allowance for updates. Operational procedures are essential, and there will need to be changes on both sides for functional integration.

Councilmember Kappa asked if this was an appropriate topic for oversight committee discussion. **Bartlett** said joint operations procedures are a management issue and are generally turned over to the chief unless it impacts labor relations. Operational procedures are generally delegated down the ranks.

Councilmember Kappa agreed with Bartlett’s recommendation on section 2.0.2. **Bruegman** said the departments will functionally operate and collaboratively develop operating procedures.

Bartlett said for day-to-day supervision Milwaukie personnel will still operate under City personnel policies and labor agreements.

Councilmember Schreiber and **Councilmember Trotter** accepted the friendly amendment.

Captain Johns spoke on behalf of IAFF. The group supports with the condition of moving toward an eventual merger.

Councilmember Kappa commented he did not feel the merger would take two years, but it must be done cautiously since it is a departure from the way the City normally provides services.

Mayor Lomnicki said he sees this as an initial step in the service provision experiment. He urged giving the citizens a method to judge the service and listening to their

comments. The City must be not only aware of the economics, but also the accountability of the service.

Councilmember Kappa supported the Mayor's position and urged caution.

Mayor Lomnicki summarized the amendments. **Councilmember Schreiber** corrected the language in 13.0 to include "if provided, the Milwaukie Battalion chief would be included in the oversight committee."

The motion to authorize the Mayor and City Manager to sign agreements for Fire Administrative services with amendments passed unanimously.

Battalion Chief Services

Bartlett said the next component is the battalion chief program allowing Milwaukie to contribute a position or pay Clackamas to provide a position. In calculating the cost, he utilized the chief position and reclassification to battalion chief. The battalion chief would be a competitive hiring process. If both agreements are approved, he estimated a savings of approximately \$24,000 this fiscal year.

Bruegman discussed the function of a Battalion Chief position. The battalion chief is assigned a number of stations and ensures there is coverage for the entire system from a regional standpoint.

Councilmember Kappa asked how the battalion chief position would be filled. **Bruegman** discussed the testing process and ranking of candidates.

Mayor Lomnicki said the testing would be open to all, but the City of Milwaukie would hire the battalion chief.

Councilmember Schreiber pointed out the City Council wanted language regarding 30-day termination notice similar to the Chief's agreement.

It was moved by Councilmember Schreiber and seconded by Councilmember Trotter to authorize the Mayor and City Manager to sign the intergovernmental agreement for battalion chief services with addition of language regarding 30-day termination notice.

Councilmember Trotter said City Council asked Swanson and fire department personnel to review the situation and make recommendations. One recommendation was to try integration on a short-term basis. The 30-day opt-out language adds flexibility, and the City of Milwaukie battalion chief would have a position on the oversight committee. He agreed with Mayor Lomnicki and Councilmember Kappa that public input would be needed before moving to regional fire services. These agreements would provide hard data with an idea of cost effectiveness.

Councilmember Schreiber supported the concept of a month-to-month agreement. She asked the monetary impact. **Bartlett** said, if both agreements are applied, the City would save \$24,000 this fiscal year without a reduction in services.

Councilmember Kappa asked for more clarification of the battalion chief selection. **Bartlett** said there will be a battalion chief test, and three lists will be created. Milwaukie's position will be an open recruitment for a non-represented position. The list would be presented to the chief and selection panel, and he would hire a person from that list.

Councilmember Schreiber asked for further clarification. Bruegman said anyone could take the test, but if they were selected they would have to leave their current position and work for the City of Milwaukie.

Johns said he was not aware that the District and Oak Lodge did not have an open recruitment process. He thought a current Milwaukie employee would be promoted.

Bartlett said the City of Milwaukie is bound by its personnel rules which includes open recruitment for non-represented positions. Human Resources will classify the position, and the City will be bound to follow its own process and EEO.

Johns said he was not aware there were different rules. He asked what would happen if the agreements were terminated after a battalion chief was hired. **Bartlett** said the City proposes to create a battalion chief position out of the chief position. The City would maintain the battalion chief position in the event the agreements were terminated.

Councilmember Kappa asked when the oversight committee would begin meeting. **Bartlett** said the committee would probably begin meeting in January, and the implementation process has a February 1 target.

Mayor Lomnicki said he did not want the public or press to construe this action as a consolidation or merger.

Motion passed unanimously with the friendly amendment.

Personnel Services Contract Extension for Public Works Administrative Assistance

Bartlett requested continuing the contract with Michael F. Swanson & Associates through June 30, 1997, for Public Works Administrative Assistance. The additional amount would be \$25,000. Swanson has demonstrated his ability to deal with day-to-day administration and to help evaluate and define organizational processes.

Councilmember Schreiber asked if Swanson would work on site. **Bartlett** said he and Swanson would agree on an adequate amount of time spent in the office for the work to be completed.

Councilmember Farley asked if there were plans to recruit a new Public Works Director. **Bartlett** said there are no plans at this time.

It was moved by Councilmember Kappa and seconded by Councilmember Trotter to authorize the City Manager to extend the existing personal services contract with Michael F. Swanson & Associates by an additional \$25,000. Motion passed unanimously.

Councilmember Schreiber asked if there were sufficient funds budgeted for this request. **Bartlett** responded funds were budgeted.

INFORMATION

Councilmember Farley announced the Elks were still in need of Christmas toys for needy families.

Councilmember Kappa said he was contacted by two Monroe Street residents who wanted to be involved in any design process. **Bartlett** said at this time the project still needs Budget Committee and City Council approval of the projects.

Councilmember Farley commented that the two most recent videos of the City Council meeting did not have sound.

Councilmember Trotter commented on the board and commission vacancies. **Bartlett** said recruitment was underway.

Councilmember Schreiber asked if there was a date for City Council orientation. **Bartlett** said he and Kent Layden would plan the process.

Bartlett pointed out the following information: the fire engine would be delivered July 1997 and the Library Options Study was discontinued pending more implications of Measure 47 and expiring county library levy.

Councilmember Schreiber noted that the Milwaukie downtown Safeway was closing on Christmas Eve.

Mayor Lomnicki adjourned the meeting at 9:35 p.m.

Pat DuVal, Recorder/Secretary